

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling

MICHAEL AVERY,

Petitioner,

vs.

JUDGMENT IN A CIVIL CASE

Civil Action No. 1:05-cv-13

K. J. WENDT, Warden,

Respondent.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED, pursuant to F.R.C.P. 58, that judgment be entered. It is therefore

ORDERED AND ADJUDGED that the Court Affirms and Adopts Magistrate Judge's Report and Recommendation in its entirety. The Petitioner's 28 U.S.C. Section 2241 Petition is DENIED and this civil action is DISMISSED WITHOUT PREJUDICE and STRICKEN from the active docket of this Court.

Wally Edgell, Ph.D., Clerk

By



Deputy Clerk

Dated this 15th day of August 2005